

These Health Care Workers Would Rather Get Fired Than Get Vaccinated

Monday is the vaccination deadline for New York State health care workers. Thousands of refusers have failed to meet it.

By Anne Barnard, Grace Ashford and Neil Vigdor

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Update: As the mandate deadline approached, thousands of resistant health care workers got vaccinated.

Deborah Conrad, a physician assistant in western New York, and Simmone Leslie, a hospital switchboard operator in Queens, have both worked long, risky hours during the pandemic. But now, both are prepared to lose their jobs rather than meet Monday's state deadline for health care workers to get vaccinated.

In defying the order, they are resisting a step that public-health experts say is critical to save lives and end the pandemic. While they each cite differing reasons for their decisions — Ms. Leslie said her employer rejected her request for a medical exemption; Ms. Conrad referenced vaccine side effects she claimed to have seen but that veer from the scientific consensus — their recalcitrance embodies a conundrum facing New York.

Experts have called the mandate a clear-cut way for health care workers to prevent new waves of the virus from spreading, and to persuade doubters to get vaccinated. And health systems say the plan is crucial to keeping patients and staff safe.

Westchester Medical Center Health Network, where 94 percent of the system's 12,000 workers are vaccinated, called the mandate "a critical part of upholding our mission" in a statement on Sunday.

But a vocal minority working within the health care system are themselves skeptics — and some, like Ms. Conrad, have imperiled the plan, even fighting the mandate in court.

They see their work as a badge of credibility, and the order from their bosses and the state to make a choice — get vaccinated or get fired — as a betrayal.



Deborah Conrad is among medical staff that has felt hesitant to take the Covid-19 vaccine.

Malik Rainey for The New York Times

"We were all traumatized, vaccinated and unvaccinated," said Ms. Conrad, who works at United Memorial, a hospital in Batavia, a small city midway between Rochester and Buffalo, and felt respected by colleagues there. "It's very hard that the same people who elevated me to this level now look at me as a dangerous person."

The dispute is dividing hospitals, where most workers are vaccinated and want their colleagues to be. The nurses' union supports the mandate — some 95 percent of members are already vaccinated — even as some members complain its rollout was too rushed. But unions representing support workers, including nurses' aides, orderlies, cafeteria workers and others, have opposed it. If many of those workers leave or are fired, their duties could fall to already taxed nurses.

The disagreement is also testing government's power to mandate compliance with public-health measures; New York's mandate and the state's refusal to allow religious exemptions are the subject of at least two lawsuits, including one by Ms. Conrad and five other plaintiffs.

Still, staff members choosing to exit their jobs because of the mandate could also create immediate practical challenges: Many nurses and other health workers are burned out or traumatized from the pandemic's strain; others have been lured by high salaries to become "travel nurses," crisscrossing the country to fill emergency staffing gaps.

On Sunday at the Christian Cultural Center in Brooklyn, Gov. Kathy Hochul pushed back hard against the idea of religious exemptions to vaccination, urging worshipers to be "apostles" for the vaccine in order to "keep more people alive."

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"God did answer our prayers," she told the congregation. "He made the smartest men and women — the scientists, the doctors, the researchers — he made them come up with a vaccine. That is from God to us and we must say, 'Thank you, God, thank you!'"

"There are a lot of people out there who aren't listening to God and what God wants," she said as a gold necklace spelling "Vaxed" glinted from her chest.



Gov. Kathy Hochul, wearing a "Vaxed" necklace, told worshipers at Christian Cultural Center in Brooklyn on Sunday that they should thank God for the vaccine. Dave Sanders for The New York Times

A federal judge last week gave a reprieve to 17 health care workers, including doctors, nurses, therapists and medical residents who sued the state, extending a temporary restraining order for enforcing the mandate against them until Oct. 12. Their lawyer, Stephen Crampton, said the delay should apply to all health workers, but the state does not agree.

"There's this coercive element that is hard to ignore in all of this urgency," Mr. Crampton, a senior counsel for the Thomas More Society, a conservative law firm that handles religious freedom cases, said. He would not identify the plaintiffs but said many are Catholic and some Protestant.

Pope Francis and the leaders of many major religions have endorsed vaccine mandates.

The plaintiffs, like other health care workers opposing the mandate, contend that the state is not taking into account that some of them have already had Covid-19 and believe they have a natural immunity.

The State of Vaccine Mandates in the U.S.

- **Vaccine rules.** On Aug. 23, the F.D.A. granted full approval to Pfizer-BioNTech's coronavirus vaccine for people 16 and up, paving the way for mandates in both the public and private sectors. Such mandates are legally allowed and have been upheld in court challenges.

- **College and universities.** More than 400 colleges and universities are requiring students to be vaccinated against Covid-19. Almost all are in states that voted for President Biden.
- **Schools.** California became the first state to issue a vaccine mandate for all educators and has announced plans to add the Covid-19 vaccine as a requirement to attend school as early as next fall. Los Angeles already has a vaccine mandate for public school students 12 and older who are attending class

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But scientists say that prior infection does not fully protect people, and available data shows that while breakthrough infections in vaccinated people are rising, vaccines still greatly reduce the risk of infection, hospitalization and death.

State vaccination figures show that, as of Wednesday, 16 percent of the state's roughly 450,000 hospital workers, or about 70,000 people, were not fully vaccinated. The data show that 15 percent of staff at skilled nursing facilities and 14 percent of workers at adult care facilities are also not fully vaccinated, representing another 25,000 or so workers.

There are no clear data on how many of those have absorbed unfounded anti-vaccination ideas through word of mouth, social media or politically inflected cable news; how many have not managed to take time off to get vaccinated; and how many have concerns about their personal health.

But what it adds up to is angst on all sides.

"Nobody should be put in these types of positions," Ms. Leslie said on Sunday.

She has gotten other vaccines, she said, but she believes the Covid-19 shot would be risky for her, even though the Crohn's and Colitis Foundation, an advocacy group, broadly recommends vaccination for people with her condition. With her medical exemption rejected, she asked for a religious one.

Ms. Conrad, a physician assistant for 18 years, said she did not understand why the protective equipment she has always used to protect patients and herself — including before the vaccine was available — would not be enough now. But she also said that she wouldn't get weekly tests unless vaccinated workers also had to: She would sooner sell her house and move.

"It's not that I don't want to do my job anymore," she said. "I'm not allowed to do my job anymore."

Greg Serafin, a registered nurse at Erie County Medical Center in Buffalo, is suing the state Health Department over the mandate. Malik Rainey for The New York Times

Greg Serafin, a registered nurse at Erie County Medical Center in Buffalo who has sued the state Health Department in state court over the mandate, said Sunday that he expects to lose his job. He said he anticipates being placed on unpaid administrative leave for 30 days and then being fired for cause.

Regardless, he said, "I'm not taking the vaccine."

New York's experience with the mandate and its enforcement could inform how other states proceed. So far, neighboring states have instituted less stringent requirements.

New Jersey and Connecticut have stopped short of conditioning employment on vaccination in most health care settings. In New Jersey, workers at state and private health care facilities have the option of getting tested at least once or twice a week if they are not vaccinated under an order that went into effect on Sept. 7.

In Connecticut, nursing homes and other long-term care facilities face fines of up to \$40,000 a day if their workers do not get at least one dose of the coronavirus vaccine by Monday. There are no civil penalties for hospitals, but many already require vaccines for employees.

Dave Sanders and Sharon Otterman contributed reporting.